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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,547	01/27/2006	Klaus Eberhard Meinecke	DE030273	6153
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EXAMINER				
RALEIGH, DONALD L				
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2879				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,547

Applicant(s)

MEINECKE, KLAUS EBERHARD

Examiner

DONALD L. RALEIGH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 01/27/2006, 04/19/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Helbig (US Patent No. 6,710,526).

Regarding Claim 1: Helbig discloses in the figure a lamp (1) with a lamp base (2) and a burner (1), with a burner element (3), wherein the burner (1) is fixedly (Col.2, line 14) fastened in

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the lamp base (2), and the lamp base (2) comprises position reference elements (21) for positioning, and wherein contact surfaces are formed at the position reference elements such that they have a given position with respect to the burner element. In regards to the recitation "by machining or permanent deformation", the recitation is directed to the method of manufacturing the contact surfaces, in view of an absent of a showing that the method imparts distinctive structural characteristics to the final product, the limitations directed to the method of manufacturing are not germane to the issue of patentability of the device. Moreover, at Col.2, lines 28-30, Helbig teaches that the reference lugs are integrally formed (i.e., part of) on ring 2b,.

Regarding Claim 2, Helbig discloses a lamp wherein the burner (1) is fastened in the lamp base (2) by means of pressing (Column 1, lines 44-55).

Regarding Claim 4, Helbig discloses in the figure and the abstract, lines 4-10, that the lamp base (2) comprises a flange (20) from which the position reference elements (21) project (see figure).

Regarding Claim 5, Helbig discloses in Column 1, lines 24-31:
A headlight and a reflector (line 26) , wherein the lamp is mounted to the reflector (line 26) such that the burner element is inside the reflector (lines 26-27) , and wherein the lamp is positioned with reference to the reflector through contact at least with the contact surfaces of the position reference element (lines 26-31)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helbig in view of Becker (US PG Pub 2002/0060912).

Regarding Claim 3, Helbig fails to disclose that the burner element is a discharge vessel in which a gas discharge can be excited between two electrodes.

In the same field of endeavor, Becker teaches a conventional incandescent lamp (Paragraph [0018], lines 1-10) wherein the burner element is a discharge vessel (100) with two electrodes (104,105) for the purpose of generating a light-emitting gas discharge. It is considered within the level of skills in the art to select a burner element from either one of a single component as disclosed by Helbig or a two electrodes component as disclosed by Becker, since both are art recognized equivalent structures performing the same function exciting the gas discharge to generate light emission.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to apply the teachings of Becker to Helbig and provide two electrodes in a gas tight discharge vessel for the purpose of generating a light-emitting gas discharge, since both structures are art recognized equivalents in the art.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helbig in view of Bellows et al (US Patent No. 5,299,100).

Regarding Claim 6, Helbig discloses in the figure and Column 2, lines 12-35, a method of manufacturing a lamp (1) with a lamp base (2) comprising position reference elements (21) and with a burner (lamp) comprising a burner element (3,filament) wherein the burner (lamp) is fastened in the lamp base (Column 2, line 14).

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Helbig fails to disclose that the position of the burner element relative to the position reference elements is determined, whereupon a machining operation or a permanent deformation is applied to the position reference elements such that contact surfaces are formed which define a given position with respect to the burner element.

Bellows teaches in Column 1, lines 11-19, grinding (machining) the exterior locators (position reference elements) to a reference level for proper alignment of the automotive lamp (burner element).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teachings of Bellows to Helbig and grind the position reference elements in order to achieve proper alignment for the automobile lamp.

Regarding Claim 7, Helbig fails to disclose that the contact surfaces at the position reference elements are formed by a bulk-removing treatment, for example milling or melting.

Bellows teaches in Column 1, lines 11-19, grinding (milling) the exterior locators (position reference elements) to a reference level for proper alignment of the automotive lamp.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teachings of Bellows to Helbig and grind the position reference elements in order to achieve proper alignment for the automobile lamp.

Regarding Claim 8, Helbig discloses in Column 2, line 14 that the burner is detachably fastened (fixed) in the lamp base without alignment possibility.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is

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respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONALD L. RALEIGH whose telephone number is (571)270-3407. The examiner can normally be reached on Monday-Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Raleigh/
Examiner, Art Unit 2879

/Mariceli Santiago/
Primary Examiner, Art Unit 2879